

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Walker et al.

Group Art Unit: 2202

For: CONDITIONAL PURCHASE OFFER
MANAGEMENT SYSTEM

Examiner: P. Laufer

Serial No. 08/889,319

Filed: July 8, 1997

Docket No.: WD2-96-008X

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GROUP 2200
3600Assistant Commissioner for Patents
Washington, D.C. 20231INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching:

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- A. United States Patent No. 3,573,747, dated April 6, 1971, to Adams et al.
- B. United States Patent No. 4,789,928, dated December 6, 1988, to Fujisaki.
- C. United States Patent No. 4,799,156, dated January 17, 1989, to Shavit et al.
- D. United States Patent No. 4,903,201, dated February 20, 1990, to Wagner.
- E. United States Patent No. 5,021,953, dated June 4, 1991, to Webber et al.
- F. United States Patent No. 5,136,501, dated August 4, 1992, to Silverman et al.
- G. United States Patent No. 5,168,446, dated December 1, 1992, to Wiseman.
- H. United States Patent No. 5,243,515, dated September 7, 1993, to Lee.
- I. United States Patent No. 5,283,731, dated February 1, 1994, to Lalonde et al.
- J. United States Patent No. 5,297,031, dated March 22, 1994, to Gutterman et al.
- K. United States Patent No. 5,557,518, dated September 17, 1996, to Rosen.
- L. United States Patent No. 5,592,375, dated January 7, 1997, to Salmon et al.
- M. United States Patent No. 5,615,269, dated March 25, 1997, to Micali.
- N. United States Patent No. 5,664,115, dated September 2, 1997, to Fraser.
- O. About IAO, selected pages downloaded from www.iaoauction.com on September 8, 1997 and September 18, 1997.
- P. Airhitch: Your Way to Low Cost Travel, selected pages downloaded from www.vaportrails.com on May 6, 1997.
- Q. American Airlines Internet Silent Auction, selected pages downloaded from www.americanair.com (date unknown).
- R. Apollo Host Computer, selected pages downloaded from www.apollo.com (date unknown).
- S. Cathay Pacific: CyberTraveler Auction #3 – Official Rules, selected pages downloaded from www.cathaypacific.com (July 30, 1996).
- T. Cathay Pacific Online Ticket Bidding, World Internet News Digest (May 8, 1996).
- U. Classifieds2000: The Internet Classifieds, selected pages downloaded from www.classifieds2000.com on August 6, 1997.
- V. CREST: Cruise/Ferry Revenue Management System, selected pages downloaded from www.rtscorp.com on August 5, 1996.

- W. CyberBid, Net Fun Ltd. (1996)
- X. Laura Del Rosso, *Marketel Says It Plans to Launch Air Fare 'Auction' in June*; *Marketel International, Inc.*, Travel Weekly, April 29, 1991, at 1.
- Y. Laura Del Rosso, *Ticket-Bidding Firm Closes its Doors*; *Marketel International, Inc.*, Travel Weekly, March 12, 1992, at 1.
- Z. Frequently Asked Questions About: Airhitch, selected pages downloaded from www.isicom.com.fr/airhitch on May 6, 1997.
- AA. Fran Golden, *AAL'S Riga Doubts Marketel's Appeal to Retailers*; *Chris Riga of American Airlines*, Travel Weekly, November 13, 1989, at 4.
- BB. Hitch a Flight to Europe, selected pages downloaded from www.travelassist.com on May 6, 1997.
- CC. Robert Kuttner, *Computers May Turn the World Into One Big Commodities Pit*, Business Week, September 11, 1989, at 17.
- DD. NASDAQ Consolidated Subscriber Agreement, downloaded from www.pcquote.com/exchanges on August 15, 1997.
- EE. NASDAQ: What Is NASDAQ?, selected pages downloaded from <http://home.axford.com> on August 15, 1997.
- FF. Lisa Nishimoto, *Travel Services Are First Online Commerce Offerings to Fly*, Infoworld, July 29, 1996, downloaded from <http://www.infoworld.com>
- GG. Onsale: Auction Supersite, selected pages downloaded from www.onsale.com on September 8, 1997.
- HH. Jeff Peline, *Travelers Bidding on Airline Tickets; SF Firm Offers Chance for Cut Rate Fares*, The San Francisco Chronicle, August 19, 1991, (News) at A4.
- II. Sabre Decision Technologies, selected pages downloaded from www.sabre.com (date unknown).
- JJ. J. Kelsey and B. Schneier, Conditional Purchase Orders, 4th ACM Conference on Computer and Communications Security, ACM Press, 117-124 (April 1997).
- KK. Michael Schrage, *An Experiment In Economic Theory; Labs Testing Real Markets*, The Record, November 26, 1989, (Business) at B01.
- LL. The United Computer Exchange: How It All Works, selected pages downloaded from www.uce.com on July 23, 1997.
- MM. TradingFloor: General Trading Information and Terms, downloaded from www.tradingfloor.com on August 14, 1997.

NN. *World's First Real-Time Travel Auction Service to Be Available Via World Wide Web: ETA To Open Bidding to Consumers*, Business Wire, DIALOG Trade & Industry Database (Nov. 4, 1996).

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>
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The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application. These applications have not been listed on the accompanying Form PTO-1449 in order to preserve their secrecy during the course of their prosecution.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final

action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.

8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
 - a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. the attached petition requesting consideration of this Information Disclosure Statement; and
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.

9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

10. ☐ I hereby certify:
 - ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to

the filing of this Information Disclosure Statement. A copy of such communication is enclosed.

- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

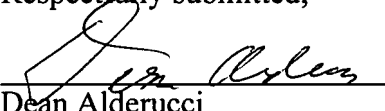
- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A duplicate copy of this authorization is attached.

April 23, 1998

Date

Respectfully submitted,



Dean Alderucci

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